

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-11-IH-0059
)	
Tricom USA, Inc.)	NAL/Acct. No.: 201232080006
)	
)	FRN: 0005005236

ORDER

Adopted: December 7, 2011

Released: December 7, 2011

By the Chief, Enforcement Bureau:

1. In this Order, we adopt a Consent Decree entered into between the Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) and Tricom USA, Inc. (“Tricom USA”). The Consent Decree resolves and terminates the Bureau’s investigation into Tricom USA’s compliance with Section 214 of the Communications Act of 1934, as amended (the “Act”),¹ the Cable Landing License Act of 1921 (“Cable Landing License Act”),² and the Commission’s rules and Orders concerning the transfer of control and assignment of domestic and international Section 214 authorizations and the transfer of control and assignment of interest in submarine cable landing licenses; the relinquishment of international Section 214 authorizations; the relinquishment of an interest in submarine cable landing licenses; the discontinuance of telephone service; and the assignment of telecommunications service customer accounts.³

2. The Bureau and Tricom USA have negotiated the terms of a Consent Decree that resolves this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

4. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether Tricom USA possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 503(b) of the Act,⁴ and Sections 0.111 and 0.311 of the Commission’s rules,⁵ the Consent Decree attached to this Order **IS ADOPTED**.

¹ 47 U.S.C. § 214.

² Pub. L. No. 8, 67th Cong., 42 Stat. 8 (1921); 47 U.S.C. §§ 34-39. *See also* Executive Order No. 10530 (reprinted as amended in 3 U.S.C. § 301), which empowers the Commission to implement the Cable Landing Act.

³ 47 C.F.R. §§ 1.767, 1.768, 63.03, 63.04, 63.12, 63.18, 63.19, 63.21, 63.23, 63.24, 63.61, 63.62, 63.71.

⁴ 47 U.S.C. §§ 154(i), 503(b).

⁵ 47 C.F.R. §§ 0.111, 0.311.

6. **IT IS FURTHER ORDERED** that the above-referenced investigation **IS TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Judith D. O'Neill, Chief Executive Officer, Nakhota, LLC, Two Columbus Avenue, New York, NY 10023.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief, Enforcement Bureau